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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/654,524	09/01/2000	Hirohisa Naito	826.1617 (JDH)	6035

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WASHINGTON, DC 20005

EXAMINER
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BAYERL, RAYMOND J

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Supplemental  
Notice of Allowability**

Application No.

09/654,524

Examiner

Raymond J. Bayerl

Applicant(s)

NAITO ET AL.

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☐ This communication is responsive to \_\_\_\_\_.
2. ☒ The allowed claim(s) is/are 1 - 26.
3. ☒ The drawings filed on 01 September 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☒ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**

10 March 2005

Art Unit: 2173

1. The following is an examiner's supplemental statement of reasons for allowance:

Upon further consideration of the claims in the present application, the Examiner makes these supplemental comments, so as to clarify overall the reasons for allowance.

It had been observed, in the original notice of allowability mailed 12 January 2005, that the independent claims 1, 7, 9 – 14, 15, 20, 21, 24 – 26 each related to embodiments in which "virtual" time and place or an interval of time and place were used in accessing the calendar database for a given situation for which the user is presented calendar data.

Subsequent review shows, however, that ~~in~~ independent claims 1, 9, 10, 11, 21, 24, 26 only call for performing "one of obtaining a situation of a current place and a current time, and generating a situation of a virtual current place and a virtual current time" (claim 1 quoted as exemplary), so that to meet the claim, current time and place alone could be used to return database results, a claim concept that reads upon calendar systems that work on current time and place. RB

As per independent claims 1, 9, 10, 11, 21, 24, 26, however, the Examiner also notes that the "schedule" data in each instance is formed of "instructions" combining "place", "time", and "method of presenting the user with the schedule" (claim 1 again quoted as exemplary). This extent of "schedule" database specification defines over such prior art as Tognazzini (US #5,790,974) and Moon et al. (US #6,064,975), in which the calendar database merely contains time and place descriptors, but not the "method" for execution.

Independent claims 12, 13, 14 also contain the limitation on the "sequence of instructions" that includes at least "a method of presenting a schedule" (claim 12 quoted as exemplary), so these claims also define over the art of record, where the database arrangement is not as involved, at least for this reason.

Independent claim 7 has procedures recited for both the "real mode" and "simulation mode", so the reasons for allowance as set forth in the 12 January 2005 Office action continue to apply—the prior art of record did not teach or suggest that intervals of time and place apart from the currently-sensed could be used to access the database. A similar line of reasoning applies to independent claims 15, 20, 25, in which a "range of place information and a range of time information" is used, instead of the typical prior art approach that relies only upon current time and place, and not a specific and arbitrary "range".

2. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raymond J. Bayerl whose telephone number is (571) 272-4045. The examiner can normally be reached on M - Th from 9:00 AM to 4:00 PM ET.

4. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached on (571) 272-4048. All patent application


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related correspondence transmitted by FAX **must be directed** to the central FAX number (703) 872-9306.

5. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2100.



RAYMOND J. BAYERL  
PRIMARY EXAMINER  
ART UNIT 2173

10 March 2005